EXPLANATION OF

13

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمان الرحيم

الحمد الله رب العالمين، والصلاة والسلام على نبينا محمد خاتم الأنبياء وسيد المرسلين، وعلى آله وصحبه أجمعين، أما بعد

Last week we took the author's statement:

مِن الحَدَثِ إلى مثلِه

And we mentioned when the actual timing of the three days and three nights for a traveler, and the one day and one night for a resident actually begin. Then we mentioned when they actually end, and we took the Mas'alah of whether or not one's Wudū' is invalidated at the expiration of the 24/72 hour period, then we mentioned whether taking off the Khuff invalidates the Wudū', then we reached the statement:

على ساترٍ ثابتٍ بنفسه

We said that (على ساترٍ) means that it's covered. And we mentioned that (ساترٍ) is a broad term, and it could encompass one of three meanings – and the author could mean all three of them, or two, or one of them. The first one that we took is covering the feet up to the ankles, then there is covering the feet with no holes in socks/Khuffs, and covering the feet in that it's not see-through or thin.

The second one that we will begin today Inshā'Allah, is (ساترٍ) as in covering the feet with no holes. The Mas'alah is, can one wipe on ripped, or torn, or worn out Khuffs/socks?

The first opinion is that you can't wipe on a Khuff/sock that has any rip in it. This is the opinion of Al-'Imām Ash-Shafi'ī and one of the opinions of 'Imām Ahmad رحمهم الله. Some of the 'Ulamā' have a rule that, doubts in exceptions means you go back to the origin. This is an exception, wiping over the Khuff. So you go back to the origin. They said this is a matter of doubt, so we go back to the origin of washing the feet and not

wiping over a Khuff/sock that has a hole in it. They also use the rationale that they used when we spoke about low cut socks/Khuffs last week, if you remember. They said that there's an uncovered, bare part of the foot that one must wash. Where you see the flesh through the holes. And the rest of the foot is covered by a Khuff. The flesh, where you see the flesh, it's got to be washed. The part where the Khuff is, you got to wipe it. They said the Messenger (صلى الله عليه وسلم) never combined between wiping and washing a limb, so you can't wipe over torn socks/Khuffs. The second opinion, that's the opinion of the Hanafiyyah and Mālikiyyah. They said if the holes in the Khuff are minor, then it's permissible to wipe over them. They said minor cuts or holes are pardoned because it's rare and exceptional for Khuffs/socks not to have them. The third opinion is the old opinion of Ash-Shafi'ī and it's the opinion of Adh-Dhāhiriyyah and many 'Ulamā' chose it, like Ibn Al-Mundhir and Sufyan Ibn 'Uyayna and Ishāq Ibn Rahwayh and Ibn Al-Mubārak and others. They said you can wipe on a torn or ripped Khuff/sock unconditionally. The difference between the second and third opinion is that the second opinion said only if they're minor, while the third opinion did not put any conditions or restrictions

And the third opinion would be Ar-Rājih, and let me tell you why. First of all, the purpose of legislating wiping over the Khuff is to remove the hardship of taking them off. And with that purpose in mind, both a ripped and a new Khuff are equal. Ripped or intact socks need to be taken off and put back on the same way. It's difficult for a person wearing a new Khuff/socks to take it off, like it is for one who has holes in them. Meaning both a person with a ripped and intact Khuff take them off and put them on the same way. Number two, the permissibility, and entire concept of the 'Ibādah of wiping over the Khuff is to make matters pertaining to Wudū' easier. And they said you shouldn't add restrictions with no solid proof, that goes against the entire concept on why wiping over the Khuff was legislated, which is to make matters easier.

Third of all, in Musannaf Abdur-Razzaq, there's a statement by Sufyan Ath-Thawri that he said, wasn't the Khifāf of the Muhājirīn and Ansār but cut and ripped and stitched up?

وهل كانت خفاف المهاجرين والأنصار إلا مخرقة مشققة مرقع

And Ibn Hazm said a similar statement, he said, most of the Sahābah from the Muhājirīn and Ansār, they were poor and their Khuffs would most likely have cuts and holes somewhere in it. A fourth point, we were permitted to wipe over the Khuff by the Ahādīth. And those Ahādīth did not restrict it with being free from holes. And this I believe is sufficient by itself and the strongest proof.

The fifth point backs up the fourth point, in that the Messenger (صلى الله عليه وسلم) knew that Khuffs get ripped and torn, yet he didn't make any type of exception on this matter. He didn't say whether they were ripped or not, or whether the ripping was small or big. If it mattered, he wouldn't leave us without guidance, nor would he even delay it (صلى الله عليه وسلم).

The sixth point, some 'Ulamā' who adopted this also said, a ripped and torn Khuff is still referred to as a Khuff, so long as you can normally walk with it. So the Ahādīth stating that one can wipe over a Khuff/sock applies to them, and there's no proof to add an exception pertaining to holes in them. We took (ساترٍ) as in covering up to the ankles, covering with no holes, and the final possibility of the meaning of the word (ساترٍ) is that it covers the foot and it's thick - meaning it's not thin or see-through. And this is our Mas'alah. Can one wipe over thin socks or Khuffs, if they exist, like sheer socks or transparent socks or nylons or something similar to that?

The first opinion is the opinion of the overwhelming majority of the 'Ulamā', and they said they have to be thick. And this is the opinion of Abu Hanīfah or possibly an older opinion of his. It's the opinion of Ash-Shāfi'iyyah, the Hanābilah, Al-Hasan Al-Basri chose it, Sa'id Ibn Musayyib chose it. They said if it's not thick, you can't continuously walk on it, then you can't wipe on it. They also said, thin, see-through socks are not (ساترٍ), they're not covering in reality. They're not in reality covering the foot, so they take the ruling that it's bare.

The second opinion is that it's permissible to wipe over thin socks, even if they're see-through. An-Nawawi in Al-Majmū' attributed this opinion to 'Umar and 'Ali رضي الله عنهم. And among the 'Ulamā' who accepted this opinion is Abu Yūsuf and Muhammad, the famous two students of Abu Hanīfah. Dawud Adh-Dhahiri also chose

it and Ishāq Ibn Rahwayh also chose it. And notice Abu Hanīfah (رحمه الله تعالى) was with the first opinion we said, his famous two students were with the second opinion. And that's been related in Badā'i' us-Sanā'i'. And it's also related that Abu Hanīfah recanted in Badā'i' us-Sanā'i'. He recanted and went by what his famous two students adopted, towards the end of his life. That's why I said it might be an earlier opinion of Abu Hanīfah. Badā'i' us-Sanā'i' is a book that is a simply worded book on the Hanafi madhab. And the author is 'Alā' al-Din al-Kasāni, who died maybe around 580 years after the Hijra. Badā'i' us-Sanā'i' is an elucidation of his Shaykh's book, 'Ala' al-Din al-Samarqandi, his book Tuhfat al-Fuqahā'. It's also of course in the Hanafi Madhhab. His Shaykh's book, Tuhfat al-Fuqahā', is also an elucidation of another former book called Mukhtasar Al-Quduri. Badā'i' us-Sanā'i' fi Tartīb Al-Sharā'i is an elucidation of an elucidation. The author 'Alā' al-Dīn Al-Kasāni, the author of Bada'i' us-Sana'i', he showed his book to his Shaykh 'Ala' al-Dīn al-Samarqandi, since it was his Shaykh's book that he was working on. And the Shaykh liked it so much that he offered him his daughter in marriage. He married her, and the dowry was this book. They used to say,

شرح تحفته فزوجه ابنته

He (Al-Kasāni) explained his Tuhfa, and he (Al-Samarqandi) got him married with his daughter.

In Badā'i' us-Sanā'i' he stated that Abu Hanīfah recanted and went back to what his two students had adopted, permitting wiping over thin socks. But then if you dig deeper into the Hanafi books you'll find that Abu Sulayman Al-Jawzajani, who is a student of Abu Yūsuf and Muhammad, he stated that socks can't be thin and he attributed that to his teachers. So there's going back and forth on this issue within the Madhhab.

So that leads us to what's important to know which is, what is Ar-Rājih, and why? We don't just randomly choose Ar-Rājih. Ar-Rājih is the second opinion, that it's permissible to wipe over thin socks even if they're see-through, even if they're thin. The purpose of legislating wiping over the Khuff/socks is to make matters easier, as to not take off the socks/Khuff in Wudū''. And this 'Illah, this reasoning, is the same in a Khuff/socks that are light or thick. Also, thin socks/Khuffs are referred to as

Khuffs/socks, meaning the term applies to them even if they're thin. So the ruling applies to them as well.

Number three, what came as general should remain as general and cannot be restricted without proof.

ما ورد من الأدلة مطلقا فلا بد ان يبقى على إطلاقه ولا يقيض إلا بدليل

Proof for wiping over the Khuff is general and it should remain so, and it doesn't specify thick or thin. Basically, saying they must be thick, is requesting something in 'Ibādah that needs proof, that they don't have. The proof for wiping over the Khuff are general and they should remain so unless you bring solid proof against that. Some who were against wiping over thin Khuffs said, as we stated with their rationales – that the thin clothes are not sufficient to cover 'Awrah by 'Ijmā', so it shouldn't be sufficient for covering the foot. It's not (ساترٍ). So we said that they said, it takes the ruling that it's bare. The response is that they don't fall under the ruling and restrictions that pertain to covering the 'Awrah. They're two different things. And that concludes the statement:

على ساترٍ

The next statement by the author is:

ثابتٍ بنفسه

Firm, stable by itself. Meaning you wear the Khuff or socks by themselves without having to wrap anything around them to keep them on. There are opinions on this matter, the first opinion is that the four Madhāhib said they must be firm and stable by themselves in order to be allowed to wipe on them. You can't keep wiping over Khuffs and socks that keep dropping down, or they're tied with something external like a cloth, rope, or a tie. They said the need to wipe is for a Khuff that is firm around the foot, and that one can continue to walk with. They said it's not difficult to take off a Khuff or socks that keep dropping down. So the reason for the exception of wiping

over the Khuff is not needed for that person whose Khuff/socks are not (ثابتٍ بنفسه). Just like it keeps dropping down, you can easily take it off and wash your feet. The exemption is not needed.

The second opinion is the opinion of Ibn Taymiyyah, and it's the second opinion of Ash-Shāfi'iyyah, and some Mālikiyyah chose it. And they said the Khuff does not have to be stable and firm on its own, why? Simply put, the Messenger (صلى الله عليه وسلم) allowed wiping over the Khuff and he (صلى الله عليه وسلم) did not restrict it by saying it must be robust, fixed, or stable on its own.

Also, another rationale that they give is that the Khuff is good, it's valid. It's good in itself, therefore you cannot deprive someone of wiping on it. What they mean is that the Khuff that you say keeps falling/sliding down – if a man with a larger or thicker foot wore it, it would hold up on its own. So there's nothing wrong with that Khuff/socks, therefore you can't deprive someone of using that normal Khuff/socks. They also said (the previous opinion) you must walk on it without it falling off, and the answer is, what if someone paralyzed is wiping it? They're depriving someone of wiping over the socks or Khuff without proof. And they also said, what's not fixed on its own is included in the permissibility by analogy. What's fixed by being tied with something follows in ruling what's fixed on its own by analogy (Qiyās). Also, Khuff/socks are referred to as such whether it's firm on its own or tied with something else. And that concludes the author's issues on the Khuff and his statement on that.

However, there are some issues he didn't mention regarding that we need to mention. And one of them is can you wipe on shoes? The four Imāms don't permit wiping over the shoes. Al-Māwardi alleged there was an 'Ijmā' that it's not permissible to wipe over the shoes. Imām Ash-Shanqīti said in Ad-Dwā' Al-Bayān one wiping on his shoes is – in reality – not washing the foot nor is he wiping over what covers the foot – like socks – so he didn't allow it. Ibn Al-Qayyim said the Hadīth – the opinion permitting using it are abrogated by the ruling of washing the feet.

The second opinion, the minority opinion, says it's permissible to wipe over the shoes. Ibn Taymiyyah said it's permissible if it's difficult to take them off. There are many Ahādīth that specify the Messenger (صلى الله عليه وسلم) wiped over his shoes, (نعليه).

Each of those Ahādīth has weakness in its chain. In fact it's accurate to say there's no authentic narration that the Messenger (صلى الله عليه وسلم) wiped over his shoes. So Ibn Al-Qayyim's statement (mentioned earlier) that these Ahādīth are abrogated to refute this opinion, the opinion that we say is Ar-Rājih, are not needed – because we're already saying they're weak and we're not going to use them. There's also a narration related by Al-Bazār that Ibn 'Umar (رضي الله تعالى عنهم اجمعين) made Wudū' wiping over his shoes and then he said this is how the Messenger (صلى الله عليه وسلم) used to do it. However, the strongest proof that would make it permissible to wipe over shoes is an authentic narration in Musanaf Ibn Abi Shaybah that 'Ali (رضي الله تعالى عنه) wiped over his shoes, that narration is strong enough to stand on its own and its proof on this matter combined with the fact that we don't know that any of the Sahābah (رضي الله تعالى عنهم اجمعين) objected or opposed him.

The next Mas'alah is can you wipe on socks for Wudū'. Before we get into that however, we have to understand the Fiqhi definition of socks. Al-Bahūti, who is one of the 'Ulamā' of the Hanabilah, said it's anything that's like a Khuff made from other than leather. Al-Hattāb Al-Māliki said, it's what's like a Khuff made from cotton or any other material. So the difference between a Khuff and socks which is called (الجورب), is that (الجورب) is made from cotton, wool, nylon, or any other material. There's two opinions on this matter, the first opinion is one of two opinions of Ash-Shafi'iyyah and the official Madhhab and the Madhhab of the Hanābilah, and the opinion of the two students of Abu Hanīfah – Abu Yūsuf and Muhammad Al-Hanafiyyah, and Adh-Dhāhiriyyah chose this opinion and it appears to be the final opinion of Abu Hanīfah himself because As-Sarkhasi in his book Al-Mabsūt said Abu Hanīfah (رحمه الله تعالى) in his illness, wiped over his socks – and he said I'm doing what I used to deter people from doing, and they inferred from that that he agreed with the opinion of his students after all. And when we were talking about thin and thick socks we mentioned that in the dowry book, Badā'i Al-Sanā'i, there's statements that support that Abu Hanīfah (رحمه الله تعالى) permitted wiping over socks, and there's similar statements in Tabyīn Al-Haqā'iq Sharh Kanz Ad-Daqā'iq Li-Azayla'I that support that matter.

The second opinion is that it's not permissible to wipe on socks, or they place some restrictions on it, and Ibn Rushd said this is the opinion of Ash-Shāfi'iyyah, some of the Mālikiyyah, and Abu Hanīfah, and of course we mentioned earlier that Abu

Hanīfah most likely recanted. Some under this opinion place restrictions that only if you can walk with them a certain distance, like some of the Mālikiyyah who said they must have a leather bottom, and the proof they alleged is that one must wash his feet by a clear command from Allah (سبحانه وتعالى) in the Qur'ān. You cannot defer from that to anything else except with clear authentic proof. They said the Ahādīth of wiping over the socks are weak among the Muhadithīn. The response is, if they're talking about the Hadīth about the Messenger (صلى الله عليه وسلم), yes they're some authentic narrations by the Sahābah. Also, Sahābah who authentically wipe over the socks would never leave the command of the Qur'ān and disobey the Qur'ān by wiping over the socks had it not been permitted. Ibn Al-Qayyim (رحمه الله تعالى) said, they heard the Qur'ān from the Messenger (صلى الله عليه وسلم) and they learned it, and they wiped over the socks – and they are the most knowledgeable of the Qur'ān and what Allah (سبحانه وتعالى) wants. They said, if the socks don't at least have under them some leather and you can't continue walking in it you can't use it. There's no proof that you need to continuously walk in them or that they have to have leather in them. All that has no effect, the bottom line is taking off the Khuff is as difficult as taking off the socks, so the need is the same. The Rājih is the permissibility to wipe over socks, and the reasons are, there's some Ahādīth on this, but like the second opinion correctly stated, they're weak. And like we said regarding the previous Mas'alah on the shoes, what did I say then? I said that there are some Ahādīth that the Messenger (صلى الله عليه وسلم) wiped over the shoes (specifying the shoes) are weak. And likewise here, the Ahādīth of the Messenger (صلى الله عليه وسلم) wiping over the socks during Wudū' are weak. The summary is, there's no authentic Hadīth specifying that the Messenger (صلى الله عليه وسلم) wiped on shoes or wiped on socks.

Number two, there's numerous narrations that the Sahābah wiped on socks, or permitted it. Reaching to a total of nearly thirteen Sahābah, some are not authentic, but others are. Ibn Al-Mundhir mentioned nine Sahābah by name, and Ibn Al-Qayyim said Abu Dawūd and four more – 'Ali Ibn Abi Tālib, 'Amār Ibn Yāsir, Ibn Mas'ūd, Anas Ibn Mālik, Al-Barā' Ibn 'Āzim, Abu 'Umāmah, Sahl Ibn Sa'd, and Bilāl (رضي الله تعالى عنهم اجمعين).

Ibn Abi Shaybah narrated in an authentic chain that Ibn Mas'ud wiped over socks and likewise Anas Ibn Mālik. Ibn Qudāmah stated in Al-Mughni that the fact that

some Sahābah did it with no one objecting, made it an 'Ijmā'. Ibn Hazm related an 'Ijmā' of the Sahābah on it as well. Also, Qiyās is proof in this – permitting wiping over the socks. Ibn Taymiyyah said the only difference is the material, and that's not a recognized difference for Fiqh purposes. It makes no substantive difference whether the material is leather or cotton – he said it's like wearing a black or white Ihrām. There's no difference between Khuff and a Jawrab (جورب) that would make the ruling different. If you wipe over a Khuff you can wipe over a Jawrab because they are all a covering for the foot with no substantiative difference among them. Socks are included under Khuff either linguistically or by Qiyās.

The next point, the need to wipe over the Khuff is exactly like the need to wipe over socks, so they share the same ruling. And with that we'll stop here, Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم